

[ORAL ARGUMENT NOT YET SCHEDULED]

No. 25-5016

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**United States Court of Appeals  
for the District of Columbia Circuit**

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UNITED STATES OF AMERICA; ET AL.,

*Plaintiffs-Appellees,*

v.

GOOGLE LLC,

*Defendant-Appellee,*

APPLE INC.,

*Movant-Appellant.*

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On Appeal from the United States District Court for the District of Columbia  
Nos. 1:20-cv-03010-APM; 1:20-cv-03715-APM (Hon. Amit Priyavadan Mehta)

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**APPELLANT APPLE INC.'S MOTION  
TO SCHEDULE ORAL ARGUMENT**

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March 6, 2025

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1. Pursuant to D.C. Circuit Rules 27 and 34, Appellant Apple Inc. (“Apple”) respectfully moves for this Court to schedule oral argument at the earliest practicable date so this appeal may be resolved as expeditiously as possible. Apple conferred with Plaintiffs-Appellees regarding this request. Counsel for Plaintiffs-Appellees states: “Plaintiffs continue to believe that oral argument is unnecessary but do not oppose expediting oral argument if argument would be helpful to the Court.”

2. On February 3, 2025, Apple moved to stay proceedings in the district court and expedite consideration of this appeal. ECF Doc. 2098492. Plaintiffs did not oppose Apple’s request to expedite briefing. The Court denied the motion for a stay and granted the motion to expedite on February 10, 2025. ECF Doc. 2099916. The February 10 order also stated that “[t]he parties will be informed later of the date of any oral argument.” *Id.*

3. Now that this appeal is fully briefed, Apple respectfully requests that the Court schedule oral argument as soon as practicable for the reasons explained in its motion for stay and expedited appeal.<sup>1</sup> The district court’s remedies trial is scheduled to begin next month on April 21, JA1004, and it is imperative that this appeal be resolved prior to the start of that trial. Indeed, if the appeal is not argued

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<sup>1</sup> Subject to this Court’s availability, Apple’s counsel of record is available to present oral argument on March 13, 14, 17, 18, 26, 27, 28 and March 31 to April 4.

and decided before the remedies trial, then the expedited briefing ordered by this Court will have been for naught.

4. Moreover, if the Court does not resolve this appeal prior to the remedies trial and then later rules in Apple's favor, the only way to preserve Apple's right to intervene to protect its users and property interests would be to restart the remedies trial or reverse any remedy issued by the district court. *Cf. Cascade Nat. Gas Corp. v. El Paso Nat. Gas Co.*, 386 U.S. 129, 136 (1967) (ordering that "merits of [antitrust] case must be reopened" due to erroneous denial of intervention in order to afford applicant "an opportunity to be heard as of right as [an] intervenor[]" in remedies phase); *see also In re PaineWebber Inc. Ltd. P'ships Litig.*, 94 F.3d 49, 52 (2d Cir. 1996) ("If the intervenor prevailed on appeal, the entire matter might have to be relitigated."). Resolving this appeal before the remedies trial would help to avoid those possibilities.

5. This Court has granted (or substantially granted) similar motions to set oral argument in expedited appeals. Mot. to Schedule Oral Argument, ECF Doc. 2009722, *Med. Imaging & Tech. All. v. Libr. of Cong.*, 103 F.4th 830 (D.C. Cir. 2024) (No. 23-5067); Mot. to Schedule Oral Argument, ECF Doc. 1848522, *Bethesda Health, Inc. v. Azar*, 980 F.3d 121 (D.C. Cir. 2020) (No. 19-5260); Mot. to Schedule Oral Argument, ECF Doc. 1778903, *SEC v. Waymack*, 2019 WL 4410515 (D.C. Cir. 2019) (No. 19-5061).

6. The case for expedited treatment here is especially strong. The district court acknowledged “the public’s keen interest” in this case, JA988, and media attention has been ceaseless, JA977. This Court’s procedures allow the Court to “expedite cases in which the public generally, or in which persons not before the Court, have an unusual interest in prompt disposition.” D.C. Circuit, *Handbook of Practice and Internal Procedures* § VIII.B at 34 (2024). That standard is clearly met here given the widely recognized stakes of this significant case.

7. For the foregoing reasons, and those in Apple’s initial motion for stay and expedition, the Court should set oral argument as soon as practicable.

Dated: March 6, 2025

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Respectfully submitted,

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### **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 576 words, excluding the parts exempted by Federal Rule of Appellate Procedure 32(f).

This motion complies with the typeface requirements and type-style requirements of Federal Rule of Appellate Procedure 32(a) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Dated: March 6, 2025

/s/ Gregory G. Garre  
Gregory G. Garre

**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2025, I electronically filed the foregoing brief with the United States Court of Appeals for the District of Columbia Circuit through the Court's CM/ECF system. All parties are represented by registered CM/ECF users and will be served by the CM/ECF system.

/s/ Gregory G. Garre  
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